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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/822,967	03/30/2001	Gabriel G. Montero	RSW9-2001-0062-US1	8303
7590	06/01/2005		EXAMINER	
Theodore Naccarella Synnestvedt & Lechner 2600 Aramark Tower 1101 Market Street Philadelphia, PA 19107-2950			TRUONG, CAMQUY	
			ART UNIT	PAPER NUMBER
			2195	
			DATE MAILED: 06/01/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/822,967	MONTERO ET AL.	
	Examiner	Art Unit	
	Camquy Truong	2195	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 02 April 2001.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-38 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 02 April 2001 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

1. Claims 1-38 are presented for examination.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-38 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

A. The claim language in the following claims is not clearly understood:

- i. As to claims 1, 16 and 31, line 6, it is not clearly indicated whether "session data" refers to "database session" in line 4; line 6, it is not clearly indicated whether "particular session" refers to "plurality of sessions" in line 3.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-11, 13-25, and 27-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant Admitted Prior Art (AAPA) in the view of Kenyon (U.S. Patent 6,199,065 B1).

6. As to claim 1, AAPA teaches the invention substantially as claimed including: a method of maintaining http session data in a server system serving a network, said server system including at least one network server (page 3, lines 3-11 and lines 19-20; page 4, lines 14-16; page 7, line 22- page 8, line 1), said method comprising the steps of:

(1) Storing in a database session data for a plurality of sessions serviced by said at least one server (page 6, lines 9-12; page 6, line 12- page 7, line 1);

(3) Performing an invalidation procedure on said session data for all of said sessions at a particular time that is independent when any of said sessions time out (page. 7, lines 16-20; page 7, line 22-page 8, lines 4; page 8, lines 8-10).

7. AAPA does not explicitly teach performing contemporaneous time out testing of session data of a particular session every time a request is received for said particular session data and allowing said particular session data to remain valid even after said contemporaneous testing has indicated that the corresponding session has time out. However, Kenyon teaches when it is time out, the browser has to request the mapping again, DNS will select a different server which upon checking with it associated with the

session key, will be able to continue with the requirements of that particular user since it already has his details (col. 4, lines 17-42).

8. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of AAPA and Kenyon because Kenyon's testing of session data for said particular session data and allowing said particular session data to remain valid even after said contemporaneous testing has indicated that the corresponding session has time out would increase the efficiency of AAPA 's system by providing steps of testing of session data and allowing that particular session data to remain valid even after said contemporaneous testing has indicated the session has time out to allow user to be able to continue with the requirement in the event of time out.
9. As to claim 2, AAPA teaches HttpSession object of a Java servlet application program interface (API) (page 5, lines 16-17).
10. As to claim 3, AAPA teaches Java servlet APIs are J2EE servlet API (page 5, line 21-22).
11. As to claims 4-5, AAPA teaches:

(1.1) Creating an HttpSession object for session upon initiation of said session (page 5, lines 16-17) and storing said HttpSession object in a memory local to a particular one of said JVMs (page 7, lines 1-2);

(1.2) Writing a copy of said HttpSession object for each session stored in said local memory to said database upon said creation (page 7, lines 7-8);

(1.3) Updating said HttpSession object for each said http session in said local memory as said session progresses (page 7, lines 5-6);

(1.4) Updating said copy of said corresponding HttpSession object in said database as said session progresses (page 7, lines 5-6).

12. As to claim 6, AAPA teaches a plurality of Java Virtual Machines (JVMs) of which different ones of said JVMs may service different http requests corresponding to a single http session (page 5, lines 3-5) and wherein said database is accessible to each of said JVMs (page 6, lines 9-10).

13. As to claim 7, it is rejected for the same reason as claims 4-5.

14. As to claim 8, it is rejected for the same reason as claim 6.

15. As to claim 9, AAPA teaches server system services the World Wide web (page 1, lines 1-2).

16. As to claim 10, AAPA teaches particular time is a function of a periodic interval (page 8, lines 1-10).

17. As to claim 11, AAPA teaches periodic interval is a day and said particular time is a time of day (page 8, lines 10-15).

18. As to claim 13, AAPA teaches:

Determining a volume of network traffic involving said server system (page 8, lines 18-20); and particular time is a function of said determined load (page 8, lines 18-20) and a predetermined interval (page 8, lines 10-15).

19. As to claim 14, AAPA teaches invalidation procedure comprises invalidating all of said sessions stored in said database at particular time (page 8, lines 8-10).

20. As to claim 15, AAPA teaches:

(3.1) For each session in said database, determining if said session has timed out (page 8, lines 8-10); and

(3.2) For each session that has time out, invalidating the corresponding session data in database (page 7, lines 11-21; page 8, lines 8-10).

21. As to claim 16, it is rejected for the same reason as claim 1. In addition, AAPA teaches:

A network server (page 3, line 13); and

A memory (page 7, lines 1-2).

22. As to claim 17, it is rejected for the same reason as claim 2.
23. As to claim 18, it is rejected for the same reason as claim 3.
24. As to claim 19, it is rejected for the same reason as claims 4-5.
25. As to claim 20, it is rejected for the same reason as claim 6.
26. As to claims 21-22, it is rejected for the same reason as claims 4-5.
27. As to claim 23, it is rejected for the same reason as claim 9.
28. As to claim 24, it is rejected for the same reason as claim 10.
29. As to claim 25, it is rejected for the same reason as claim 11.
30. As to claim 27, it is rejected for the same reason as claim 13.
31. As to claims 28, it is rejected for the same reason as claim 10.

32. As to claim 29, it is rejected for the same reason as claim 14.
33. As to claim 30, it is rejected for the same reason as claim 15.
34. As to claim 31, it is rejected for the same reason as claim 1. In addition, AAPA teaches maintaining HttpSession objects in a server system (page 4, line 14-16), network servers running a plurality of Java Virtual Machines (JVMs) (page 5, lines 3-4).
35. As to claim 32, it is rejected for the same reason as claim 3.
36. As to claim 33, it is rejected for the same reason as claims 4-5.
37. As to claim 34, it is rejected for the same reason as claim 10.
38. As to claim 36, it is rejected for the same reason as claim 13.
39. As to claim 37, it is rejected for the same reason as claim 14.
40. As to claim 38, it is rejected for the same reason as claim 15.
41. Claims 12, 26 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant Admitted Prior Art (AAPA) in the view of Kenyon (U.S. Patent 6,199,065

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B1), as applied as claims 1, 16 and 31 above, and further in view of Cidon et al (U.S. Patent 6,269,330 B1).

42. As to claims 12, 26 and 35, AAPA and Kenyon do not explicitly teach that determining a volume of network traffic involving said server system and wherein said particular time is a function of said network traffic involving said server system. However, Cidon teaches that determining a volume of network traffic involving said server system (col. 6, lines 15-18) and wherein said particular time is a function of said network traffic involving said server system (col. 6, lines 18-26).

43. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of AAPA, Kenyon and Cidon because Cindon's determining a volume of network traffic involving said server system and wherein said particular time is a function of said network traffic involving said server system would improve the efficiency of AAPA and Kenyon's system by providing step of determining a volume of network traffic and particular time is a function of said network traffic involving to improve the evaluation of the performance of communication networks.

***Response to the argument***

44. Applicant's arguments filed 10/12/2004 have been considered but are not moot in view of the new ground(s) rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

### ***Conclusion***

45. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Camquy Truong whose telephone number is (571) 272-3773. The examiner can normally be reached on 8AM – 5PM.

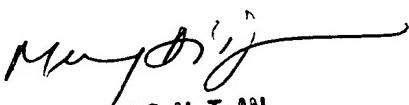
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on 571-272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3756.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIP. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <<http://pair-direct.uspto.gov>>. Should you have questions on access to the Private PAIP system, contact the Electronic Business Center (EBC) at 866-217-9197(toll-free).

Camquy Truong

May 20, 2005



MENG-AL T. AN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100